IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR (CHHATTISGARH)

WRIT PETITION NO. 3353 /2003

PETITIONER

Dagaram Suryawanshi son of Late Samailal aged about 30 years, by caste- Suryawanshi, resident of village Seepat, Police Station Seepat, Tah. Masturi, Distt. Bilaspur (Chhattisgarh)

P. R. No. 3831/03
Presented by Shri R.K. Vaishkar
dated 15.10.03

VERSUS

RESPONDENTS

1. The State of Chhattisgarh, through : The Secretary, Department of Revenue, Dau Kalyan Singh Bhawan, Mantralay, Raipur (Chhattisgarh).

2. The Land Acquisition officer, Bilaspur (Cg)

3. The National Thermal Power Project, Seepat Project, Through : Its General Manager, Seepat, Bilaspur.

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Clerk to A. G. Bilaspur
15.10.

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN THE NATURE OF MANDAMUS/CERTIORARI, ORDER/ORDERS, DIRECTION / DIRECTIONS PROHIBITION ETC.

XI-HC-22

(22)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक WP 3353 03 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

2-1-2004

Shri Malay Kumar Bhaduri, counsel for the petitioner.

Shri Sanjay K. Agrawal, Deputy A.G. takes notice for respondents 1 and 2.

Heard both the counsel.

By this petition filed under Articles 226/227 of the Constitution of India, the petitioner has challenged the action of respondents whereby the respondents authorities have passed an award under the provisions of Land Acquisition Act and awarded the compensation to the persons namely Dhaniram and Kirit Ram who were not entitled for the same, whereas the petitioner is entitled for the compensation as the acquired land stands in the names of Chaitram, brother of the petitioner and the petitioner.

Brief facts leading to filing of this petition are that as per the petitioner's case he is the co-owner of the agriculture land bearing Khasra No. 1133/1, area 0.39 acres situated at village Seepat, P.H. No. 28, Tehsil Musturi, District Bilaspur. In the revenue papers i.e. B-1 in the year 1997-98 and 1998-99, the petitioner's name has been shown as co-sharer in the Revenue records.

Initially the land in question was belonging to Bhukhelal, Samailal and Premlal and their names were recorded in the Revenue Records as owners of the land. These persons were uncle and father

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आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित — 2 —	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

in relation to the petitioner. The petitioner's father was co-sharer in the land and the petitioner's name has been substituted in the relevant revenue records, as per Annexure-P/1. Respondent No.2 acquired land for construction of a plant for respondent No.3. Accordingly, the Land Acquisition Officer, Bilaspur had initiated acquisition proceedings for Seepat plant. In consequence of said proceedings notices were issued to the effected parties, but the Land Acquisition Officer without giving notice to the petitioner issued notice to Kirit Ram and Dhaniram for compensation. When the petitioner came to know about this fact he moved an application under Section 115 of the M.P. Land Revenue Code to the Collector, Bilaspur for correction of his name in the relevant Revenue Records. But the Collector without going into the merit/claim of the petitioner summarily dismissed the application.

The petitioner again made a representation before the Collector, Bilaspur against the illegal action of Dhaniram, Kiritram and concerned Patwari, whose instance and with the help of said Patwari forged documents have been created and manipulated. The concerned Tehsildar was directed to conduct an enquiry by the Collector as per Annexure-P/2 and on 8-11-2002, the Land Acquisition Officer vide order dated 8-11-2002 directed not to disburse the amount of rehabilitation to the said persons i.e. Dhaniram and Kirit Ram as per

पीछे देखिये

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आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Annexure-P/3. Vide order dated 20-11-2002 the Land Acquisition Officer again passed an order directing respondent No.3 that the name of Dhaniram and Kirit Ram be struck out from the list of rehabilitation persons and the name of Dagaram and Chaitram be added for the purposes of receiving rehabilitation amount under the Land Acquisition Act. The Land Acquisition Officer clearly mentioned that the said persons with the help of Patwari manipulated the records and created forged documents. Copy of the same is Annexure-P/4.

The Additional Tehsildar, Seepat wrote a letter to respondent No.3 stating that Dhaniram and Kiritram are not legally entitled to get the amount of compensation. Copy of the same is Annexure-P/5. The petitioner has been deprived of the compensation on account of the illegal action of the Patwari and the said persons with the help of Patwari manipulated the revenue records and prepared forged documents.

Learned counsel for the petitioner submits that respondents be directed to consider the case of the petitioner and after conducting a detailed enquiry and going through the relevant revenue records, if the petitioner is found rightful owner of the acquired land then they should consider the case of the petitioner for award of compensation to which the learned counsel for respondents 1 and 2 has no objection.

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आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -4-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	Having heard the learned counsel for the parties and having regard to the facts and circumstances of the case, respondents 1 and 2 are directed to conduct an enquiry regarding the ownership of the agricultural land bearing Khasra No. 1133/1, area 0.39 acres, situated at village Seepat PH No. 28, Tehsil Masturi, District Bilaspur and the petitioner should also be given opportunity to prove his title in the enquiry and after conducting the detailed enquiry, if the petitioner along with his brother Chaitram are found real owners of the land in question which was acquired by respondent No.2 then his case for award of compensation be considered by respondents. With these observations and directions, the writ petition is disposed of. In view of this order, I.A. No.9820/2003 stands disposed of. Parties are entitled for certified copy of this order. Sd/- L.C.BHADOO Judge	

Barmel

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